

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Transport Department – Motor Vehicles – Stage Carriages – Smt. R. Sandhyarani W/o Gurappa Naidu, Madanapalli – Request for extension of the route from RTC Circle to Besthapalli Cross under Section 68 (3)(ca) of the Motor Vehicles Act, 1988 – Rejected – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (TR.II) DEPARTMENT

G.O.Rt. No. 934

Dated:12-08-2009

Read the following:

1. From the Transport Commissioner, A.P., Hyderabad Letter No. 16795/E2/B2/2000, Dated 04.06.2009.
2. From the Vice Chairman & Managing Director, APSRTC, Hyderabad Lr. No. P1.402(03)/2009-OPD(Plg), Dt. 02.07.2009.

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ORDER:-

The Transport Commissioner, Andhra Pradesh, Hyderabad vide reference 1st read above, has stated that the Deputy Transport Commissioner, & Secretary, Regional Transport Authority, Chittoor vide Letter No.18175/A1/99, Dated 10.03.2000 has informed that Smt. R. Sandhyarani W/o Gurappa Naidu, Madanapalli is an existing operator plying her vehicle on the town service route Gangannagaripalli to Madanapalli Market yard applied for extension of the route from RTC Circle to Besthapalli Cross and the Regional Transport Authority, Chittoor resolved to address the Transport Commissioner for formulation of route u/s 68 (3)(ca) of Motor Vehicles Act, 1988 vide proceedings of the Regional Transport Authority, Chittoor Dated 13.01.2000 in Item No.19.

2. He has stated that while the matter stood thus, Smt. R. Sandhyarani filed a Writ Petition No. 16140/2000 before the Hon'ble High Court of A.P., to issue directions to the Transport Commissioner to take appropriate action on the proposals of the Deputy Transport Commissioner, Chittoor Dated 10.03.2000. Hon'ble High Court of Andhra Pradesh, in its order Dated 28.08.2008 has made the following order:

“It is not for this Court to issue a mandamus to the second respondent (Transport Commissioner) to vary the route as these are all matters in the executive realm and not for this court to determine. **Suffice to hold that, in case the recommendations of the first respondent have not been examined by the respondent till date, the second respondent shall do so and take appropriate action in accordance with law within a period of three months from the date of receipt of this orders”.**

3. The Transport Commissioner has informed that the Deputy Transport Commissioner & Secretary, Regional Transport Authority, Chittoor vide Letter

P.T.O.

Dated 09.01.2009 has submitted his report. The particulars of report are as follows:-

1. Length of the existing route : 7.6 Kms.
Gangannagaripalli to Madanapalli Yard.
2. Length of the proposed variation of the route : 4.2 Kms.
RTC Bus Stand to Besthapalli.
3. Total Length of the route after variation : 11.8 Kms.
4. Overlapping on the notified schemes
 - a) Existing route : 7.6 Kms.
 - b) Variation of the route : 0.7 Kms.
5. Total overlapping on the notified schemes after Variation. : 8.3 Kms.
6. Length of the route within Municipal Limits.
 - a) Existing route : 5.5 Kms.
 - b) Proposed variation : 1.5 Kms.
7. Total Length of the route with in Mpl. Limits : 7.0 Kms.
8. Length of the route outside Municipal Limits
 - a) Existing route : 2.1 Kms.
 - b) Proposed variation : 2.7 Kms.
9. Total Length of the route outside Mpl. Limits : 4.8 Kms.
10. Details of existing transport facilities : APSRTC is operating 3 buses by performing 62 singles.
11. Details of habitations covered by this route and their population:
 - a) Existing route from Market yard to Gangannagaripalli. : 20,000
 - b) Proposed route from RTC Bus Stand Circle to Bestapalli. : 7,000
12. Conditions of the route : Mortable.
13. Schemes conditions of the Notified routes and its applicability:
 - 1) As per G.O. Ms. No.1110, TR&B (Tr.V) Dept., Dated 07.12.1976.
 - Condition No. 2) This scheme shall not affect the holders of the existing stage carriage permits in respect of town service routes.
 - Condition No.3) This scheme shall not affect the holders of the future stage carriage permits in respect of town service routes having an overlapping of not more than 8 Kms., with the notified route.

Contd. P.3.

Condition No.2 of the above G.O. may not applicable to the applicant as she is not an existing operator as on 07.12.1976;

Condition No.3 is also not applicable as the total overlapping distance of the route after its variation is 8.3 Kms.

2) As per G.O. Ms. No.254, TR&B (Tr.IV) Dept., Dated 28.06.1990.

Condition No. 2) This scheme shall not affect the holders of the stage carriage permits for a distance not exceeding 5 Kms., on the notified route.

Condition No.3) This scheme shall not affect the existing town services operating on the notified route.

Condition No.2 is not applicable to the applicant as the overlapping distance is 8.3 Kms., after its variation.

Condition No.3 is also not applicable to the applicant as she is not an existing town service operator as on 28.06.1990.

4. He has stated that according to the report, the applicant was granted permit on the route Gangannagaripalli to Madanapalli Market Yard, as per directions of the State Transport Appellate Tribunal which was valid upto 11.4.2004 and the permit holder has not applied for renewal thereafter. He has further reported that as per conditions of G.O. No. 254, dated 28.6.1990 the permissible overlapping distance is only 5 Kms., and the applicant is not an existing town service operator as on 28.6.90. Hence no town service permit can be granted to the applicant, even if the route is formulated. He finally states that there is no need to formulate the new route on the proposed variation portion. He has stated that the Andhra Pradesh State Road Transport Corporation has also raised certain objections and also stated that they are operating 3 buses by performing 62 singles.

5. The Vice Chairman & Managing Director, Andhra Pradesh State Road Transport Corporation vide reference 2nd read above has stated that the conditions of the approved schemes referred above are prohibiting the grant of permits on the proposed route. Hence the grant of permit on the proposed route would result in violation of the conditions of the approved scheme and contradicting to the provisions of Section 104 of Motor Vehicle Act, 1988. Further, the applicant was granted permit on the route Gangannagaripalli to Madanapalli Market Yard, as per the directions of the State Transport Appellate Tribunal which was valid up to 11.4.2004 and the permit holder has not applied for renewal thereafter. Therefore the private operator is not having any permit at present. Hence he is not an existing operator. He has requested the Government not to formulate the route under section 68(3)(ca) of MV Act, 1988, since the existing as well as the proposed extension of portion is served by both Andhra Pradesh State Road Transport Corporation as well as private operator.

P.T.O.

6. Government after careful examination, hereby reject the application filed by Smt. R. Sandhyarani W/o Gurappa Naidu, Madanapalli for formulation of the above route under section 68 (3) (ca) of Motor Vehicle Act, 1988 keeping in view the order of High Court of Andhra Pradesh, Dt. 20.08.2008 in W.P.No.16140 of 2000.

7. The Transport Commissioner, Andhra Pradesh, Hyderabad shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. RATNA PRABHA
PRINCIPAL SECRETARY TO GOVERNMENT

To:

The Transport Commissioner, Andhra Pradesh, Hyderabad.

Smt. P. Sandhya Rani W/o Sri Gurappa Naidu, Madanapalli (through the Transport Commissioner, A.P., Hyderabad).

The Deputy Transport Commissioner, Chittoor (through the Transport Commissioner, A.P., Hyderabad).

Copy to:-

The Vice-Chairman & Managing Director, APSRTC, Hyderabad.

Copy to the Government Pleader, Transport, Roads & Buildings, Department
A.P. High Court, Hyderabad.

P.S. to Hon'ble Minister for Transport.

P.S. to the Principal Secretary to Government, TR&B (Transport) Department.

The Law (E) Department.

//FORWARDED::BY ORDER//

SECTION OFFICER